

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 1006.52, F.S., relating  
 4           to an exemption from public record requirements for  
 5           postsecondary education records and applicant records;  
 6           removing the scheduled repeal of the exemption under  
 7           the Open Government Sunset Review Act; providing an  
 8           effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Section 1006.52, Florida Statutes, is amended  
 13 to read:

14           1006.52 Education records and applicant records; public  
 15 record exemption.—

16           (1) Each public postsecondary educational institution may  
 17 prescribe the content and custody of records that the  
 18 institution may maintain on its students and applicants for  
 19 admission. A student's education records, as defined in the  
 20 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
 21 1232g, and the federal regulations issued pursuant thereto, and  
 22 applicant records are confidential and exempt from s. 119.07(1)  
 23 and s. 24(a), Art. I of the State Constitution. For the purpose  
 24 of this subsection, applicant records are ~~shall be considered to~~  
 25 ~~be~~ records that are:

26           (a) Directly related to an applicant for admission to a

27 public postsecondary educational institution who has not been in  
 28 attendance at the institution; and

29 (b) Maintained by a public postsecondary educational  
 30 institution or by a party acting on behalf of the public  
 31 postsecondary educational institution.

32 (2) (a) A public postsecondary educational institution may  
 33 not release a student's education records without the written  
 34 consent of the student to any individual, agency, or  
 35 organization, except in accordance with and as permitted by the  
 36 FERPA.

37 (b) Education records released by public postsecondary  
 38 educational institutions to the Auditor General or the Office of  
 39 Program Policy Analysis and Government Accountability, which are  
 40 necessary for such agencies to perform their official duties and  
 41 responsibilities, must ~~shall~~ be used and maintained by the  
 42 Auditor General and the Office of Program Policy Analysis and  
 43 Government Accountability in accordance with the FERPA.

44 ~~(3) This section is subject to the Open Government Sunset~~  
 45 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 46 ~~on October 2, 2014, unless reviewed and saved from repeal~~  
 47 ~~through reenactment by the Legislature.~~

48 Section 2. This act shall take effect October 1, 2014.